

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 57849-56669

Darlene H. Beard

5715 Urecht Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on May 20, 2009 and June 3, 2009, for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-302 (b)(1)(3), failure to repair missing gutters/downspouts, (BCC) section 35-5-302 (b)(3); Baltimore County Building Code (BCBC) Part 6 section 601.3h, failure to maintain, repair, replace defective handrail on front porch on residential property known as 5715 Utrecht Road, 21206.

On April 27, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Kim Wood issued a Code Enforcement Citation. On May 3, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Jason Seidelman issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The Citation issued April 27, 2009 proposed a civil penalty of \$6,000.00 (six thousand dollars).

The Citation issued May 3, 2009 proposed a civil penalty of \$6,000.00 (six thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on September 9, 2008 requesting repair of the front gutter. Another Correction Notice was issued on March 3, 2009 stating that the front gutter and downspout must be replaced. Another Correction Notice was issued on April 27, 2009 stating that the gutters must be repaired. This Citation was issued on May 3, 2009.

B. This is a two-story rowhouse property, with other townhouses on each side. Photographs in the file show there is no front gutter or downspout to divert rainwater from the building foundation. This violates County Code requirements and threatens the safety and welfare of immediate neighbors. Respondent must install the required gutter and downspout.

C. A Correction Notice was issued on March 24, 2009 requesting that Respondent secure the front porch railing. This Citation was issued on April 27, 2009 for failure to maintain, repair or replace defective handrail on front porch. Photographs in the file show that the front porch handrail is not fastened to the building. This violates County Code requirements and creates a safety hazard.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$6,000.00 (six thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if Respondent corrects the violations by July 15, 2009, by installing required gutter and downspout and properly anchoring the front porch railing. If the Respondent fails to correct the violations, then the full civil penalty shall be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 11<sup>th</sup> day of June 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer